IN THE HIGH COURT OF JUDICATURE AT PATNA
CWJC No.6409 of 1990

1. RAM SABHIT BHAGAT
2. LAL BABU BHAGAT
3. BANGALI BHAGAT
4. NEPALI BHAGAT, ALL SONS OF PARMESHWAR BHAGAT AND R/O VILLAGE CHAKNIJAM @ ADHARPUR, PS.& DISTT.- SAMASTIPUR------ (DONEE) -------- PETITIONERS

Versus

1. THE STATE OF BIHAR
2. THE COLLECTOR, SAMASTIPUR
3. THE CONSOLIDATION OFFICER, SAMASTIPUR
4.(a) MOSTT. MAYA DEVI @ NUNU DEVI W/O LATE CHANDESHWAR BHAGAT
4.(b) MANOJ KUMAR S/O LATE CHANDESHWAR BHAGAT
4.(C) SHAMBHU MINOR
4.(d) KAILASH KUMAR, BOTH S/O OF LATE CHANDESHWAR BHAGAT U/G OF HIS MOTHER, MOSTT, MAYA DEVI. ALL R/O VILLAGE AND PO ADHARPUR, PS.& DISTT.- SAMASTIPUR

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6 11.12.2008 The short submission made on behalf of the petitioners is that the proceeding in question was initiated against the dead man, namely, Mahabir Bhagat in the year, 1988 when he already died on 3.8.1975 which is not disputed. Late Mahabir Bhagat had executed deed of gift in favour of these petitioners because he was issueless and the matter came to rest at that. But a motivated proceeding was initiated after more than 13 years by the private respondents and that too making Mahabir Bhagat one of the respondents when he was dead years ago.

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In view of above the order dated 27.8.1990 cannot be sustained. The impugned order contained in annexure-1 is quashed. This writ application is allowed.

RPS (Ajay Kumar Tripathi,J.)